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|-----------------|---|--|
| Date: | August 25, 2008 | Total Pages: 13 including cover sheet |
| To: | U.S. Patent and Trademark Office | |
| Attn.: | Examiner R. HOLMES | |
| Fax No.: | (571) 273-8300 | |
| From: | Thomas E. Kocovsky, Jr. | |
| Re: | US; Our Ref.: NL020256US / PKRX 2 00034 | |

COMMENTS:

13 pp: 1 pp Fax Cover Sheet
 2 pp Amendment Transmittal Letter(s)(x2)
 10 pp Amendment D & Request for Reconsideration

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AMENDMENT TRANSMITTAL LETTER**EXPEDITED PROCEDURE**Attorney Docket No. NL020256US / PKRX 2 00034

| | | |
|--|---|------------------------|
| Serial No.: 10/509,239 | Filed: September 24, 2004 | Examiner: R. HOLMES |
| Group Art Unit: 3762 Confirmation: 1780 | Invention: MONITORING SYSTEM COMPRISING ELECTRODES WITH PROJECTIONS | |

To the Commissioner For Patents:

Transmitted herewith is an **AMENDMENT D & REQUEST FOR RECONSIDERATION** in the above-identified application. The fees have been calculated as shown below.

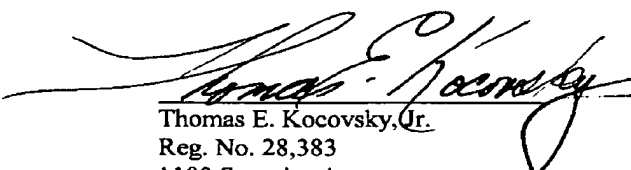
| CLAIMS AS AMENDED | | | | | | |
|-------------------|-------------------------------------|-------|---------------------------------------|--------------------------------|-------|--------------------|
| | Claims remaining after amendment | | Highest Number Previously Paid For | No. of Extra Claims Present | Rate | Additional Rate |
| Total Claims | 20 | Minus | 20 | - | \$ 50 | \$ 0.00 |
| Indep. Claims | 3 | Minus | 3 | - | \$210 | \$ 0.00 |

- ☒ No additional claims fee is due.
- ☐ An additional fee in the amount of \$ _____ is enclosed for _____. Payment is authorized to be charged to a Credit Card. The applicants enclose an appropriate form PTO-2038 for this purpose.
- ☒ Please charge any additional fees or credit overpayment to Deposit Account No. 06-0308. A duplicate copy of this sheet is enclosed.
- ☒ Applicants hereby request any additional extensions of time that may be necessary and authorize the extension of time fees to be charged to Deposit Account No. 06-0308.

Respectfully submitted,

FAY SHARPE LLP

Date: 25 Aug 2008


 Thomas E. Kocovsky, Jr.
 Reg. No. 28,383
 1100 Superior Avenue
 Seventh Floor
 Cleveland, Ohio 44114-2579
 (216) 861-5582

CERTIFICATE OF FAXING

I hereby certify that these **AMENDMENT TRANSMITTAL LETTER (x2); AMENDMENT D & REQUEST FOR RECONSIDERATION** in connection with U.S. Patent Application Serial No. 10/509,239 are being transmitted to facsimile number (571) 273-8300 on this 25 day of August, 2008.

By: Hilary McNulty

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AMENDMENT TRANSMITTAL LETTER**EXPEDITED PROCEDURE**Attorney Docket No. NL020256US / PKRX 2 00034

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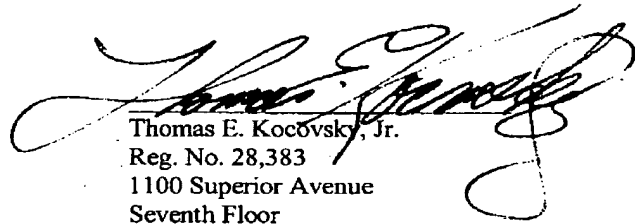
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Respectfully submitted,

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 (216) 861-5582

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By: Mary McSherry

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------|---|---------------------|
| In re application of |) | Examiner: R. HOLMES |
| J. VAN HERK, et al. |) | |
| |) | Art Unit: 3762 |
| Serial No.: 10/509,239 |) | |
| |) | Confirmation: 1780 |
| Filed: September 24, 2004 |) | |
| |) | |
| For: MONITORING SYSTEM |) | |
| COMPRISING |) | |
| ELECTRODES WITH |) | |
| PROJECTIONS |) | |
| |) | |
| Date of Last Office Action: |) | |
| June 24, 2008 |) | |
| |) | |
| Attorney Docket No.: |) | Cleveland, OH 44114 |
| NL020256US / PKRX 2 00034 |) | August 25, 2008 |

AMENDMENT D
& REQUEST FOR RECONSIDERATION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the premature Final Rejection of
June 24, 2008.

Amendments to the claims are reflected in the listing of claims which
begins on page 2.

Remarks begin on page 6.

Certificate of Faxing

I certify that this **AMENDMENT D & REQUEST FOR RECONSIDERATION** in connection with Ser. No. 10/509,239 is being
☒ transmitted to facsimile number (571) 273-8300 under 37 C.F.R. § 1.8 on the date indicated below.

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|--------------------------------|
| Date <u>August 25, 2008</u> |
|--------------------------------|

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|---------------------------------------|
| Signature <u>Hilary M. McNulty</u> |
| Printed Name Hilary M. McNULTY |

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